

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

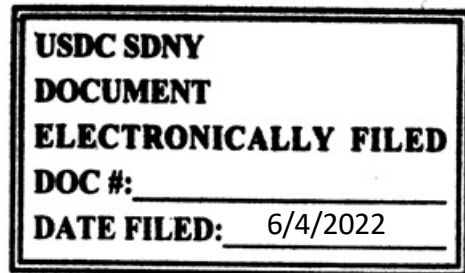
Rohan Ramchandani,

Plaintiff,

-against-

CitiBank National Association et al.,

Defendants.



1:19-cv-09124 (VM) (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

WHEREAS, the Court has pending before it Plaintiff's Letter Motion for an Order compelling Defendants Citigroup Inc., Citicorp LLC and Citibank, N.A. (collectively, "Citi"), among other things, to produce memoranda of meetings with the U.S. Department of Justice ("DOJ") that are being withheld on the grounds of the attorney-client privilege and work product doctrine (ECF No. 100); and

WHEREAS, the Court has conducted an *in camera* review of the subject memoranda, which were prepared by Cleary Gottlieb Steen & Hamilton LLP ("CGSH"), a law firm that acted as outside counsel to Citi; and

WHEREAS, one of the memoranda, identified as Document 19 on Plaintiff's Schedule A (ECF No. 93-1), refers to "annotated chats" that were discussed by CGSH with the DOJ; and

WHEREAS, Citi states that "[t]hese annotated chats were not shown or submitted to the DOJ," that "the annotations constitute the privileged work product of Citi's counsel" and that the annotated chats were not produced to Plaintiff (ECF No. 99); and

WHEREAS, Document 19 states that, at a meeting at which DOJ was present, CGSH "walked the group through the annotations" for many of the chats; and

WHEREAS, the potential compelled production of the annotated chats by Citi may bear upon the Court's decision as to whether Plaintiff has a substantial need for the CGSH memoranda to prepare his case and cannot, without undue hardship, obtain their substantial equivalent by other means, *see* Fed. R. Civ. P. 26(b)(3).

NOW, THEREFORE, it is hereby ORDERED, as follows:

1. No later than Wednesday, June 8, 2022, Citi shall show cause in a writing filed to the ECF docket why any privilege and/or work product protection associated with the annotated chats has not been waived. *See United States v. Treacy*, No. 08-CR-00366 (JSR), 2009 WL 812033, at *2 (S.D.N.Y. Mar. 24, 2009) (privilege waiver found where contents of document "had been orally relayed in substantial part to the Government"); *Bank of Am., N.A. v. Terra Nova Ins. Co.*, 212 F.R.D. 166, 175 (S.D.N.Y. 2002) (waiver of work product protection found due to disclosures to governmental authorities).
2. Citi shall deliver to the Court for receipt no later than 12 noon on Thursday, June 9, 2022, a thumb drive containing the annotated chats referenced in Document 19, for the Court's *in camera* review.
3. Plaintiff may file any response to Citi's submission no later than Friday, June 10, 2022.
4. The parties are directed to appear for a telephone conference on Monday, June 13, 2022, at 2:00 p.m. to address Plaintiff's pending Letter Motion. At the scheduled time, the parties shall each separately call (888) 278-0296 (or (214) 765-0479) and enter access code 6489745.

SO ORDERED.

Dated: New York, New York
June 4, 2022

A handwritten signature in black ink, reading "Stewart D. Aaron", is positioned above a horizontal line.

STEWART D. AARON
United States Magistrate Judge